APPENDIX A

1. Affidavits on behalf of certain petitioners herein, no longer conducting business, filed with the Clerk of this Court.

The affidavit of Fred O. Morgan on behalf of the petitioner, Fred O. Morgan Livestock Commission Company, is as follows:

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1936

No. 686

FRED O. MORGAN, doing business as FRED O. MORGAN SHEEP COMMISSION COMPANY, *et al*,

Appellants,

vs.

THE UNITED STATES OF AMERICA and the SECRETARY OF AGRICULTURE,

Appellees.

(APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF MISSOURI.)

AFFIDAVIT

UNITED STATES OF AMERICA
STATE OF MISSOURI } ss.:
COUNTY OF JACKSON }

FRED O. MORGAN, of lawful age, being authorized to make this affidavit on behalf of the petitioner herein named,

and being first duly sworn, on his oath states that Fred O. Morgan Sheep Commission Company, which was registered and did business at the Kansas City Stock Yards, Kansas City, Missouri, as a livestock market agency, was one of the petitioners which, in Case No. 2328 and related cases, in equity, brought suit in the United States District Court for the Western Division of the Western District of Missouri, and which cases are now pending on appeal to the Supreme Court of the United States to enjoin an order of the Secretary of Agriculture of the United States dated June 14, 1933, prescribing rates to be charged for services rendered by livestock market agencies operating at said market; that pursuant to the orders of said District Court in said cases pending the determination of said cases by said District Court and on appeal to said Supreme Court, said petitioners were required to deposit with the Clerk of said District Court a sum of money representing the difference between the charges made by petitioners for their services as market agencies under the then existing rates and the rates as prescribed by said Secretary in said order of June 14, 1933; that this petitioner made deposits with said Clerk pursuant to said order until this petitioner discontinued business as a market agency on the 1st day of February, 1935; that this petitioner discontinued business because it was unable to continue business under the rates as prescribed by said Secretary in said order.

FRED O. MORGAN

Subscribed and sworn to before me this 23rd day of March, 1936. My commission expires June 4, 1938.

MILDRED A. JONES,
Notary Public Jackson County, Mo.

[NOTARIAL SEAL]

The following affidavits on behalf of five other petitioners herein are identical with the affidavit of Fred O. Morgan, reproduced in full above, except as to the date of discontinuing business:

Affidavit of Henry F. Carnes on behalf of the petitioner, Henry F. Carnes Live Stock Commission Company, which is stated to have discontinued business on January 3, 1936;

Affidavit of Ben L. Welch on behalf of the petitioner, Welch Commission Company, which is stated to have discontinued business on January 10, 1936;

Affidavit of Walter G. Land on behalf of the petitioner, Walter G. Land Live Stock Commission Company, which is stated to have discontinued business on January 1, 1935;

Affidavit of E. W. Haux on behalf of the petitioner, Drumm-Standish Commission Company, which is stated to have discontinued business on March 13, 1936;

Affidavit of Heinie Klecker on behalf of the petitioner, Heinie Klecker Sheep Commission Company, which is stated to have discontinued business on May 1, 1935.

The affidavit of Jay D. McCormick on behalf of the petitioner, Jay D. McCormick Live Stock Commission Company, is as follows:

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1936.

No. 686

FRED O. MORGAN, doing business as FRED O. MORGAN SHEEP COMMISSION COMPANY, *et al.*,

Appellants,

vs.

THE UNITED STATES OF AMERICA and the SECRETARY OF AGRICULTURE,

Appellees.

(APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF MISSOURI.)

AFFIDAVIT

UNITED STATES OF AMERICA
STATE OF MISSOURI } ss.:
COUNTY OF JACKSON }

JAY D. MCCORMICK, of lawful age, being authorized to make this affidavit on behalf of the petitioner herein named, and being first duly sworn, on his oath states that Jay D. McCormick Live Stock Commission Company, which was registered and did business at the Kansas City Stock Yards, Kansas City, Missouri, as a livestock market agency, was

one of the petitioners which, in Case No. 2328 and related cases, in equity, brought suit in the United States District Court for the Western Division of the Western District of Missouri, and which cases are now pending on appeal to the Supreme Court of the United States to enjoin an order of the Secretary of Agriculture of the United States dated June 14, 1933, prescribing rates to be charged for services rendered by livestock market agencies operating at said market; that pursuant to the orders of said District Court in said cases pending the determination of said cases by said District Court and on appeal to said Supreme Court, said petitioners were required to deposit with the Clerk of said District Court a sum of money representing the difference between the charges made by petitioners for their services as market agencies under the then existing rates and the rates as prescribed by said Secretary in said order of June 14, 1933; that this petitioner made deposits with said Clerk pursuant to said order until this petitioner discontinued business as a market agency on the 24th day of January, 1936; that this petitioner claims an interest in and to the deposit aforesaid adverse to that of any and all other persons and that petitioner, if he had had available the funds aforesaid as of the 24th day of January, 1935 and the said order had not been in effect and required the impounding of said money, petitioner would not have had to discontinue business on said date but would have remained in business as a market agency.

JAY D. MCCORMICK,

Subscribed and sworn to before me this 25th day of March, 1936.

MILDRED A. JONES,
Notary Public, Jackson County, Missouri.

My Commission expires June 4, 1936.

[NOTARIAL SEAL]

The affidavit of J. Less White on behalf of the petitioner, J. Less White Commission Company, is identical with the affidavit of Jay D. McCormick, reproduced above, except that the J. Less White Commission Company is stated to have discontinued business on January 1, 1936.

The affidavit of Link Fasken is as follows:

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1936

No. 686

FRED O. MORGAN, doing business as FRED O. MORGAN SHEEP COMMISSION COMPANY, *et al.*,

Appellants,

vs.

THE UNITED STATES OF AMERICA and the SECRETARY OF AGRICULTURE,

Appellees.

(APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF MISSOURI)

AFFIDAVIT

UNITED STATES OF AMERICA
STATE OF MISSOURI } ss.:
COUNTY OF JACKSON }

LINK FASKEN, of lawful age, being first duly sworn on his oath states that he has been registered and in busi-

ness at the Kansas City Stock Yards and a livestock market agency operating such business under the name and style of Link Fasken Livestock Com. Co.; that affiant is one of the petitioners which in case No. 2328 and related cases in equity brought individual action in the United States District Court in the Western Division of the Western District of Missouri and which cases are now pending on appeal in the Supreme Court of the United States to enjoin an order of the Secretary of Agriculture of the United States. This affiant further states that upon and after the order of the Secretary of Agriculture under date of June 14, 1933, which said order is the order affixing rates and charges complained of in said action, this petitioner did enter into an arrangement with the National Live Stock Commission Company, a market agency under which said National Live Stock Commission Company has received consignments of livestock shipped to the petitioner for sale as such market agency and has collected the commissions thereon, making all deposits in the name of said Company with the Clerk of said Court with respect to all of such consignments of livestock; that such arrangement has continued and is in effect as of this date; that all said deposits have been duly and properly made in respect to all livestock so consigned to the petitioner pursuant to and in accordance with the order of the District Court in the premises. The petitioner has been in the livestock commission business at the Kansas City Stockyards for 30 years, has become partly incapacitated as a result of defective eyesight; that the volume of business of your petitioner and the effect of the lowered rates and charges prescribed in the Secretary's order, together with the necessity of impounding the difference between the rates and charges in effect and those prescribed by the Secretary has made it necessary for the affiant to handle his business in the manner in this affidavit heretofore prescribed; that petitioner still retains an interest in the outcome of said case as filed by him as peti-

tioner and the issues therein are not moot as between the defendants and this affiant as petitioner and plaintiff.

LINK FASKEN

Subscribed and sworn to before me this 25th day of March, 1936.

MILDRED A. JONES
Notary Public, Jackson County, Missouri

My commission expires June 4, 1938.

[NOTARIAL SEAL]

2. Affidavit of A. L. Arnold, Clerk of the District Court of the United States for the Western Division of the Western District of Missouri.

UNITED STATES OF AMERICA, SCT.

I, A. L. ARNOLD, Clerk of the District Court of the United States, for the Western Division of the Western District of Missouri, do hereby certify that the following tabulation contains a true and correct list of the names of the various petitioners in F. O. Morgan, doing business as F. O. Morgan Sheep Commission Company, *et al*, plaintiffs, v. United States of America and Secretary of Agriculture, defendants, In Equity No. 2328 and related cases Nos. 2329-2378, inclusive, who have discontinued making the deposits of money with the Clerk of this Court which were required under orders of this Court in these cases, together with the respective dates of last deposit by such respective petitioners and the total amount deposited with the Clerk of this Court by such respective petitioners:

Name of Petitioner	Date of Last Deposit	Total Deposits Made
Fred O. Morgan, doing business as Fred O. Morgan Sheep Commission Co.	Jan. 29, 1935	$ 117.56
H. H. Klecker, doing business as Heinie Klecker Sheep Commission Co.	Feb. 12, 1935	926.20
Henry F. Carnes, doing busines as The Henry F. Carnes Livestock Commission Company	Jan. 7, 1936	477.00
Drumm-Standish Commission Company, a Corporation	Mch. 9, 1936	2,843.30
Link Fasken, doing business as Link Fasken Livestock Commission Co.	No deposits made	
Harry J. Kennaley, doing business as The Kennaley Commission Company	Feb. 8, 1935	3,064.70
Jay D. McCormick, doing business as Jay D. McCormick Livestock Com. Co.	Jan. 28, 1936	889.84
Ben L. Welch, doing business as Welch Livestock Commission Co.	Jan. 7, 1936	511.48
W. E. Curtis, doing business as W. E. Curtis & Co.	May 15, 1934	828.80
Walter G. Land and John E. Maze, Partners doing business as Walter G. Land Livestock Commission Co.	Jan. 2, 1935	756.78
Less White, doing business as Less White Livestock Commission Co.	Dec. 31, 1935	1,917.71

WITNESS MY HAND as Clerk and the Seal of this Court. Done in my office at Kansas City, Missouri, this 23rd day of March, A. D. 1936.

A. L. ARNOLD, CLERK OF THE UNITED STATES DISTRICT COURT.

By H. C. SPAULDING, DEPUTY CLERK.

[SEAL]

APPENDIX B

SCHEDULE INDICATING AVERAGE PERFORMANCE PER SALES

This Schedule is compiled from Government Exhibits 115 (Cost Study) and 115-B (Questionnaire) and shows the average performance per salesma more than 25,000 head of cattle during the year. It also includes all agencies which did any substantial business in hogs or sheep. It appears from the schedu thetical performance of 29,000 head per year for cattle and 85,000 head per year for hogs considered reasonable by the order.

(NOTE: In computing total number of employed salesmen, if an extra salesman worked for three months, he is counted as 3/12 of a salesman; if for For tabulation of extra employed salesmen, see "ANALYSIS OF GOVERNMENT'S EXHIBIT 115-B" tabulation.)

Firm No.	NAME OF FIRM	CATTLE							
		SELLING					BUYING		
		Number of Cattle (Govt. Ex. 115, p. 65, R. Vol.III p. 31)	Number of Calves (Govt. Ex. 115, p. 66, R. Vol. III, p. 33)	Total Head	Number of Salesmen[10] (Govt. Ex. 115-B, R. Vol. IV)	Head per Salesman	Number of Cattle (Govt. Ex. 115, p. 65, R. Vol. III, p. 31)	Number of Calves (Govt. Ex. 115, p. 66, R. Vol. III, p. 33	Total H
59	Swift & Henry Livestock Commission Co.[1]	119,054	19,079	138,133	7	19,733	25,715	1,012	26,72
54	John Clay and Company	106,285	11,060	117,345	4 11/12	23,866	62,131	5,836	67,96
46	National Livestock Commission Company	88,553	10,560	99,113	6	16,519	58,231	88	58,31
82	Wilson, Egan & Company	78,523	12,159	90,682	6	15,114	17,242	2,525	19,76
63	Martin, Blomquist & Lee Commission Co.[4]	81,326	8,445	89,771	5	17,954	37,065	2,052	39,11
10	Producers Commission Association[5]	70,071	10,792	80,863	4 3/12	19,026	37,636	1,015	38,65
36	Farmers Union Livestock Commission Co	61,997	12,367	74,364	4	18,591	11,662	25	11,68
73	Witherspoon Livestock Commission Co	65,824	7,394	73,218	5	14,644	5,418	376	5,79
84	Cassidy Southwestern Commission Company	56,269	5,974	62,243	4	15,561	5,105	261	5,36
42	Long-Perry Livestock Commission Company	49,548	9,793	59,341	3	19,780	6,847	1,304	8,15
12	Bowles Commission Company	49,973	9,243	59,216	3	19,738	6,286	2,445	8,73
35	Drumm-Standish Livestock Commission Co	51,847	4,151	55,998	6	9,333	4,964	696	5,66
13	Crider Commission Company	44,870	10,492	55,362	3 11/12	14,135	8,505	78	8,58
71	Ryan-Robinson Commission Company	50,388	3,552	53,940	5 3/12	10,274	7,820	278	8,09
55	Wright & Baucus	39,631	7,999	47,630	3 5/12	13,940	12,223	1,260	13,48
18	Haggart-Wilson Livestock Commission Co	42,901	3,854	46,755	3 8/12	12,751	11,498	854	12,35
83	Burlington Livestock Commission Co	42,108	3,691	45,799	3	15,266	75,013	1,295	76,30
25	Stuart Gillespie & Company	37,769	4,276	42,045	3 9/12	11,212	9,709	1,558	10,26
48	Poole-Dempsey-Rutherford L. S. Comm. Co	32,417	3,959	36,376	3	12,125	5,728	255	5,98
65	Moffett Commission Company	30,194	5,504	35,698	3 3/12	10,984	4,442	163	4,60
14	Charles Dixon Commission Company	30,237	4,922	35,159	4 7/12	7,671	6,268	667	6,93
4	Ragland-Storts-Burrus Commission Co	30,154	3,006	33,160	2 5/12	13,721	2,094	509	2,60
70	W. C. Kile Commission Company	28,426	4,169	32,595	3	10,865	5,962	410	6,37
56	Robinson-Hoover Commission Company	28,030	1,659	29,689	2	14,844	4,368	1	4,36
26	Wester Bros. & Smith Commission Company	24,126	4,427	28,553	2	14,277	1,410	420	1,83
62	Laird Bros. Commission Company	23,891	4,218	28,109	2 6/12	11,243	3,430	—	3,43
20	Kansas City Livestock Commission Co	23,208	4,407	27,615	3	9,205	3,936	769	4,70
53	Ehrke-Martin Livestock Commission Co	24,675	2,226	26,901	3	8,967	1,506	151	1,65
34	Warren-Cummings Livestock Comm. Co	24,387	2,472	26,859	3 1/12	8,057	25,231	135	25,36
23	Fern O. Sanders Livestock Comm. Co	23,063	3,156	26,219	3	8,740	7,998	725	8,72
51	Harry Kennaley Commission Company[8]	10,683	11,330	22,013	2 3/12	9,783	385	97	48
44	W. M. Leitch Sheep Commission Co.[9]	—	—	—	—	—	—	—	—

*Sold on split-commission basis by another firm.

1/ Firm No. 59) I. S. H. ... Co. ... 25 ...

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
10	Producers Commission Association[5]	70,071	10,792	80,863	4 3/12	19,026	37,636	1,015	38,651
36	Farmers Union Livestock Commission Co	61,997	12,367	74,364	4	18,591	11,662	25	11,687
73	Witherspoon Livestock Commission Co	65,824	7,394	73,218	5	14,644	5,418	376	5,794
84	Cassidy Southwestern Commission Company	56,269	5,974	62,243	4	15,561	5,105	261	5,366
42	Long-Perry Livestock Commission Company	49,548	9,793	59,341	3	19,780	6,847	1,304	8,151
12	Bowles Commission Company	49,973	9,243	59,216	3	19,738	6,286	2,445	8,731
35	Drumm-Standish Livestock Commission Co	51,847	4,151	55,998	6	9,333	4,964	696	5,660
13	Crider Commission Company	44,870	10,492	55,362	3 11/12	14,135	8,505	78	8,583
71	Ryan-Robinson Commission Company	50,388	3,552	53,940	5 3/12	10,274	7,820	278	8,098
55	Wright & Baucus	39,631	7,999	47,630	3 5/12	13,940	12,223	1,260	13,483
18	Haggart-Wilson Livestock Commission Co	42,901	3,854	46,755	3 8/12	12,751	11,498	854	12,352
83	Burlington Livestock Commission Co	42,108	3,691	45,799	3	15,266	75,013	1,295	76,308
25	Stuart Gillespie & Company	37,769	4,276	42,045	3 9/12	11,212	9,709	1,558	10,267
48	Poole-Dempsey-Rutherford L. S. Comm. Co	32,417	3,959	36,376	3	12,125	5,728	255	5,983
65	Moffett Commission Company	30,194	5,504	35,698	3 3/12	10,984	4,442	163	4,605
14	Charles Dixon Commission Company	30,237	4,922	35,159	4 7/12	7,671	6,268	667	6,935
4	Ragland-Storts-Burrus Commission Co	30,154	3,006	33,160	2 5/12	13,721	2,094	509	2,603
70	W. C. Kile Commission Company	28,426	4,169	32,595	3	10,865	5,962	410	6,372
56	Robinson-Hoover Commission Company	28,030	1,659	29,689	2	14,844	4,368	1	4,369
26	Wester Bros. & Smith Commission Company	24,126	4,427	28,553	2	14,277	1,410	420	1,830
62	Laird Bros. Commission Company	23,891	4,218	28,109	2 6/12	11,243	3,430	—	3,430
20	Kansas City Livestock Commission Co	23,208	4,407	27,615	3	9,205	3,936	769	4,705
53	Ehrke-Martin Livestock Commission Co	24,675	2,226	26,901	3	8,967	1,506	151	1,657
34	Warren-Cummings Livestock Comm. Co	24,387	2,472	26,859	3 4/12	8,057	25,231	135	25,366
23	Fern O. Sanders Livestock Comm. Co	23,063	3,156	26,219	3	8,740	7,998	725	8,723
51	Harry Kennaley Commission Company[8]	10,683	11,330	22,013	2 8/12	9,783	385	97	482
44	W. M. Leitch Sheep Commission Co.[9]	—	—	—	—	—	—	—	—

*Sold on split-commission basis by another firm.

[1](Firm No. 59) L. S. Jones, Govt. No. 37, whose time is distributed in the Questionnaire relating to this firm's employees (Govt. Ex. 115B, R. Vol. IV, time was devoted to selling cattle and calves. We have, therefore, listed him as a cattle salesman and eliminated him from the list of buyers.

[2]Evidence (C. H. Haren) that sheep yardman employed by John Clay and Company assists with selling during peak periods, particularly on native sheep

[3]These hog salesmen did all their own yarding (Govt. Ex. 115-B, R. Vol. IV, p. 116).

[4](Firm No. 63) The same situation obtains with this firm as with Firm No. 59. O. E. Hover, Govt. No. 41, is listed in the Questionnaire as an emplo devoted to selling cattle and calves. We have, therefore, counted him as a cattle salesman and not as a cattle buyer.

[5]The manager (Angle) and a salesman (Ecton) were the witnesses who gave their opinion at the first hearing before the Secretary that a cattle salesman sheep, per year. Upon the basis of this testimony, the Secretary rested his estimates of 29,000 head per year of cattle, 85,000 head per year of hogs, and 250,00 the order.

[6]This concern employed five hog yardmen to assist the salesmen in the selling of these hogs. One salesman received annual salary of $8,800.

[7]Only one buyer employed, devoting part time to correspondence and office work (Govt. Ex. 115-B, R. Vol. IV, p. 123).

[8]This firm is out of business and is represented in this proceeding by the bonding company, surety on its bond, in respect of which a liability to shippers in excess of $20,000. The operator of this firm, Harry Kennaley, testified: "I have had the experience of receiving so many hogs in the past three months that three salesmen selling hogs had the assistance of five yardmen (Govt. Ex. 115B, R. Vol. IV, pp. 62, 63).

[9]This market agency handles only sheep.

[10]The composition of the figures in this column is explained in the Analysis of Government's Exhibit 115B, set out on the following page (Appendix

APPENDIX B

AVERAGE PERFORMANCE PER SALESMAN BY FIRMS—YEAR 1931

) and shows the average performance per salesman by head as to agencies commencing with the largest in point of 1931 volume and includes all agencies that sold ness in hogs or sheep. It appears from the schedule that in the case of no single agency did the volume per salesman in respect of cattle or hogs approach the hypo- ble by the order.

nonths, he is counted as $^{3}/_{12}$ of a salesman; if for 7 months, $^{7}/_{12}$, etc. In practically all instances, these extra salesmen worked during the period of peak receipts. 15-B" tabulation.)

TLE												
	BUYING					HOGS			SHEEP		
Head per Salesman	Number of Cattle (Govt. Ex. 115, p. 65, R. Vol. III, p. 31)	Number of Calves (Govt. Ex. 115, p. 66, R. Vol. III, p. 33	Total Head	Number of Buyers 10 (Govt. Ex. 115-B, R. Vol. IV)	Head per Buyer	Total Head (Govt. Ex. 115, p. 67, R. Vol. III, p. 35)	Number of Salesmen[10] (Govt. Ex. 115-B, R. Vol. IV)	Head per Salesman	Total Head (Govt. Ex. 115, p. 68, R. Vol. III, p. 37)	Number of Salesmen[10] (Govt. Ex. 115-B, R. Vol. IV)	Head per Salesman
19,733	25,715	1,012	26,727	$2^{3}/_{12}$	11,878	70,554	2	35,277	205,441	2	102,720
23,866	62,131	5,836	67,967	2	33,983	27,122	$1^{7}/_{12}$	17,129	591,028	2	295,514[2]
16,519	58,231	88	58,319	4	14,579	33,474	$1^{11}/_{12}$	17,464	7,795	0	*
15,114	17,242	2,525	19,767	2	9,883	30,135	$1^{1}/_{12}$	22,601[3]	2,007	0	*
17,954	37,065	2,052	39,117	$3^{7}/_{12}$	10,916	150,806	2	75,403	43,330	1	43,330
19,026	37,636	1,015	38,651	$2^{1}/_{12}$	18,553	96,653	$2^{4}/_{12}$	41,422	94,843	1	94,843
18,591	11,662	25	11,687	$0^{8}/_{12}$	17,530	147,922	2	73,961[6]	36,575	1	36,575
14,644	5,418	376	5,794	1	5,794	34,425	2	17,213	4,035	0	*
15,561	5,105	261	5,366	1	5,366[7]	11,944	1	11,944	150,283	1	150,283
19,780	6,847	1,304	8,151	$1^{2}/_{12}$	6,986	11,442	1	11,442	1,460	0	*
19,738	6,286	2,445	8,731	1	8,731	28,132	1	28,132	3,439	0	*
9,333	4,964	696	5,660	1	5,660	12,017	1	12,017	44,036	1	44,036
14,135	8,505	78	8,583	$1^{1}/_{12}$	7,923	40,816	1	40,816	5,688	0	*
10,274	7,820	278	8,098	1	8,098	20,323	1	20,323	1,414	0	*
13,940	12,223	1,260	13,483	1	13,483	21,227	1	21,227	3,685	0	*
12,751	11,498	854	12,352	0	—	11,653	2	5,827	3,157	0	*
15,266	75,013	1,295	76,308	$3^{7}/_{12}$	21,295	4,078	$1^{3}/_{12}$	3,262	2,380	0	*
11,212	9,709	1,558	10,267	1	10,267	19,201	1	19,201	3,676	0	*
12,125	5,728	255	5,983	1	5,983	5,952	1	5,952	430	0	*
10,984	4,442	163	4,605	1	4,605	7,619	1	7,619	2,184	0	*
7,671	6,268	667	6,935	$1^{2}/_{12}$	5,944	27,819	2	13,909	7,365	0	*
13,721	2,094	509	2,603	$0^{4}/_{12}$	7,809	9,552	$0^{8}/_{12}$	14,327	1,896	0	*
10,865	5,962	410	6,372	1	6,372	13,628	1	13,628	2,507	0	*
14,844	4,368	1	4,369	0	—	8,191	1	8,191	4,924	0	*
14,277	1,410	420	1,830	$0^{3}/_{12}$	7,320	20,321	$1^{11}/_{12}$	10,602	2,657	0	*
11,243	3,430	—	3,430	$0^{6}/_{12}$	6,860	15,810	1	15,810	3,065	0	*
9,205	3,936	769	4,705	1	4,705	3,727	0	*	872	0	*
8,967	1,506	151	1,657	0	—	18,764	1	18,764	733	0	*
8,057	25,231	135	25,366	1	25,366	16,312	1	16,312	190	0	*
8,740	7,998	725	8,723	1	—	1,536	0	*	862	0	*
9,783	385	97	482	0	—	159,184	$2^{2}/_{12}$	73,469	6,942	0	*
—	—	—	—	0	—	—	0	—	267,391	2	133,695

18,591	11,662	25	11,687	0 5/12	17,530	147,922	2	73,961	36,575	1	36,575
14,644	5,418	376	5,794	1	5,794	34,425	2	17,213	4,035	0	*
15,561	5,105	261	5,366	1	5,366	11,944	1	11,944	150,283	1	150,283
19,780	6,847	1,304	8,151	1 2/12	6,986	11,442	1	11,442	1,460	0	*
19,738	6,286	2,445	8,731	1	8,731	28,132	1	28,132	3,439	0	*
9,333	4,964	696	5,660	1	5,660	12,017	1	12,017	44,036	1	44,036
14,135	8,505	78	8,583	1 1/12	7,923	40,816	1	40,816	5,688	0	*
10,274	7,820	278	8,098	1	8,098	20,323	1	20,323	1,414	0	*
13,940	12,223	1,260	13,483	1	13,483	21,227	1	21,227	3,685	0	*
12,751	11,498	854	12,352	0	—	11,653	2	5,827	3,157	0	*
15,266	75,013	1,295	76,308	3 7/12	21,295	4,078	1 3/12	3,262	2,380	0	*
11,212	9,709	1,558	10,267	1	10,267	19,201	1	19,201	3,676	0	*
12,125	5,728	255	5,983	1	5,983	5,952	1	5,952	430	0	*
10,984	4,442	163	4,605	1	4,605	7,619	1	7,619	2,184	0	*
7,671	6,268	667	6,935	1 2/12	5,944	27,819	2	13,909	7,365	0	*
13,721	2,094	509	2,603	0 1/12	7,809	9,552	0 8/12	14,327	1,896	0	*
10,865	5,962	410	6,372	1	6,372	13,628	1	13,628	2,507	0	*
14,844	4,368	1	4,369	0	—	8,191	1	8,191	4,924	0	*
14,277	1,410	420	1,830	0 3/12	7,320	20,321	1 11/12	10,602	2,657	0	*
11,243	3,430	—	3,430	0 6/12	6,860	15,810	1	15,810	3,065	0	*
9,205	3,936	769	4,705	1	4,705	3,727	0	*	872	0	*
8,967	1,506	151	1,657	0	—	18,764	1	18,764	733	0	*
8,057	25,231	135	25,366	1	25,366	16,312	1	16,312	190	0	*
8,740	7,998	725	8,723	1	—	1,536	0	*	862	0	*
9,783	385	97	482	0	—	159,184	2 7/12	73,469	6,942	0	*
—	—	—	—	0	—	—	0	—	267,391	2	133,695

this firm's employees (Govt. Ex. 115B, R. Vol. IV, p. 77), is there listed as a full-time cattle buyer. The Questionnaire shows, however, that 65% of his inated him from the list of buyers.

ling during peak periods, particularly on native sheep and drive-ins (R. 459).

Govt. No. 41, is listed in the Questionnaire as an employed cattle buyer (R. Vol. IV., p. 86). The distribution of his time shows, however, that 76% thereof was tle buyer.

st hearing before the Secretary that a cattle salesman could sell 1,500 cars of cattle; a hog salesman, 1,500 to 2,000 cars of hogs; and a sheep salesman, 1,000 cars of of cattle, 85,000 head per year of hogs, and 250,000 head per year of sheep as reasonable performance for salesmen as the basis of cost calculations contained in

lesman received annual salary of $8,800.

B, R. Vol. IV, p. 123).

its bond, in respect of which a liability to shippers has accrued since the filing of the petitions and was paid by the bonding company, amounting to a sum in ving so many hogs in the past three months that I did not give a good many of them the right kind of selling, feeding or handling of them" (R. 578). The

it 115B, set out on the following page (Appendix C).

Govt. Firm No.	Page No. in Govt. Ex. 115-B	Name of Concern	CATTLE SALESMEN					HOG SALESMEN		
			No. of full-time Employed Salesmen	No. of extra Employed Salesmen	Total Employed Salesmen	No. of Owner Salesmen	Total Owner and Employed Salesmen	No. of full-time Employed Salesmen	No. of extra Employed Salesmen	Total Employed Salesmen
51	62	Kennaley Commission Company	2	2 mos. 1 mo.	2 5/12	—	2 5/12	1	2 mos.	1 2/12
52	65	Jefferson-Lowery-Davis	—	7 mos. 2/3 mo. 3 1/2 mos.	11/12	1 2/12	2 1/12	—	7 mos.	7/12
53	67	Ehrke-Martin Livestock Commission Company	1	—	1	2	3	1	—	1
54	69	John Clay and Company	4	7 mos. 4 mos.	4 11/12	—	4 11/12	1	7 mos.	1 7/12
55	73	Wright & Baucus	2	5 mos.	2 5/12	1	3 5/12	1	—	1
56	75	Robinson-Hoover Commission Company	—	—	—	2	2	1	—	1
59	76	Swift & Henry	4	—	4	2	6	1	—	1
60	80	E. Theis & Sons	—	—	—	3	3	—	—	—
61	82	Ham Knighton Livestock Commission Company	2	—	2	—	2	—	—	—
62	84	Laird Bros.	1	—	1	1 6/12*	2 6/12	1	—	1
63	86	Martin, Blomquist & Lee Commission Co.	1	—	1	3	4	1	—	1
65	91	Moffett Commission Company	2	3 mos.	2 3/12	1	3 3/12	1	—	1
66	93	Jay D. McCormack	—	—	—	1	1	—	—	—
67	94	W. H. Peed Livestock Commission Company	—	—	—	—	—	—	—	—
70	95	W. C. Kile	2	—	2	1	3	1	—	1
71	97	Ryan-Robinson Commission Company	3	—	3	2 3/12	5 3/12	—	1 mo. 11 mos.	1
72	100	Welch Commission Company	—	—	—	1	1	—	—	—
73	101	Witherspoon Livestock Commission Company	2	—	2	3	5	2	—	2
74	104	Frank Boddington Livestock Commission Co.	1	—	1	1	2	—	—	—
75	106	W. E. Curtis & Co.	1	—	1	1	2	—	11 mos.	11/12
76	108	Greer & Company	2	—	2	1	3	1	—	1
77	110	Inman Hutton	1	—	1	2	3	—	—	—
78	112	W. G. Land Livestock Commission Company	2	—	2	—	2	—	3 mos.	3/12
79	114	Les White Livestock Commission Company	1	—	1	1	2	—	8 mos.	8/12
82	116	Wilson, Egan & Co.	3	—	3	3	6	1	4 mos.	1 4/12
83	119	Burlington Livestock Commission Co.	1	—	1	2	3	1	3 mos.	1 3/12
84	123	Cassidy Livestock Commission Co.	2	—	2	2	4	—	—	—
87	126	Dave Hamer Livestock Commission Company	—	—	—	—	—	—	—	—
88	128	Ira Kimmons	—	—	—	6/12	6/12	—	—	—
10	129	Producers Commission Association	4	3 mos.	4 3/12	—	4 3/12	2	4 mos.	2 4/12
36	134	Farmers Union Livestock Commission Co.	4	—	4	—	4	2	—	2

*One owner of Firm No. 62 appears to divide his time equally between selling and buying and has therefore been treated as 6/12 of an owner salesman and 6/

ernment's Exhibit 115-B—(*Continued*)

HOG SALESMEN				SHEEP SALESMEN					CATTLE BUYERS				
No. of extra Employed Salesmen	Total Employed Salesmen	No. of Owner Salesmen	Total Owner and Employed Salesmen	No. of full-time Employed Salesmen	No. of extra Employed Salesmen	Total Employed Salesmen	No. of Owner Salesmen	Total Owner and Employed Salesmen	No. of full-time Employed Buyers	No. of extra Employed Buyers	Total Employed Buyers	No. of Owner Buyers	Total Owner and Employed Buyers
2 mos.	1 2/12	1	2 2/12	—	—	—	—	—	—	—	—	—	—
7 mos.	7/12	—	7/12	—	—	—	—	—	—	—	—	—	—
—	1	—	1	—	—	—	—	—	—	—	—	—	—
7 mos.	1 7/12	—	1 7/12	2	—	2	—	2	2	—	2	—	2
—	1	—	1	—	—	—	—	—	—	—	—	1	1
—	1	—	1	—	—	—	—	—	—	—	—	—	—
—	1	1	2	2	—	2	—	2	3	3 mos.	3 3/12	—	3 3/12
—	—	1	1	—	—	—	—	—	—	—	—	—	—
—	—	1	1	—	—	—	—	—	—	—	—	—	—
—	1	—	1	—	—	—	—	—	—	—	—	6/12*	6/12
—	1	1	2	1	—	1	—	1	3	7 mos.	3 7/12	1	4 7/12
—	1	—	1	—	—	—	—	—	1	—	1	—	1
—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	5/12	5/12	—	—	—	—	—	—	—	—	—	—
—	1	—	1	—	—	—	—	—	1	—	1	—	1
1 mo. 11 mos.	1	—	1	—	—	—	—	—	1	—	1	—	1
—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	2	—	2	—	—	—	—	—	1	—	1	—	1
—	—	—	—	—	—	—	—	—	—	—	—	—	—
11 mos.	11 1/12	—	11 1/12	—	—	—	—	—	—	3 mos. 5 mos.	8/12	—	8/12
—	1	—	1	—	—	—	—	—	—	—	—	—	—
—	—	1	1	—	—	—	—	—	—	—	—	—	—
3 mos.	3/12	—	3/12	—	—	—	—	—	—	—	—	—	—
8 mos.	8/12	—	8/12	—	—	—	—	—	—	—	—	—	—
4 mos.	1 4/12	—	1 4/12	—	—	—	—	—	1	—	1	1	2
3 mos.	1 3/12	—	1 3/12	—	—	—	—	—	—	8 mos. 4 mos. 8 mos.	1 8/12	1 11/12	3 7/12
—	—	1	1	1	—	1	—	1	1	—	1	—	1
—	—	—	—	—	8 mos.	8/12	1	1 8/12	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—
4 mos.	2 4/12	—	2 4/12	1	—	1	—	1	1 —	5 mos. 8 mos.	2 1/12	—	2 1/12
—	2	—	2	1	—	1	—	1	—	8 mos.	8/12	—	8/12

*an owner salesman and 6/12 of an owner buyer.

INFORMATION CONCERNING SALESMEN'S (OWNERS AND EMPLOY

NOTE: In computing total number of employed salesmen, if an extra salesman worked for three months he is counted as 3/12ths of a salesman

Govt. Firm No.	Page No. in Govt. Ex. 115B	NAME OF CONCERN	CATTLE SALESMEN					HOG SALESME		
			No. of full-time Employed Salesmen	No. of extra Employed Salesmen	Total Employed Salesmen	No. of Owner Salesmen	Total Owner and Employed Salesmen	No. of full-time Employed Salesmen	No. of extra Employed Salesmen	Total Employed Salesmen
1	1	Fred O. Morgan Sons	—	—	—	—	—	—	—	—
4	2	Ragland-Storts Co.	2	2 mos.	2 2/12	3/12	2 5/12	—	8 mos.	8/12
5	5	H. H. Klecker Commission Co.	—	—	—	—	—	—	—	—
6	6	Lewis & Flournoy	1	7 mos.	1 7/12	1	2 7/12	—	—	—
7	8	Maxwell-Furnish	1	—	1	1	2	1	—	1
9	10	John M. Nichols Livestock Commission Co.	—	—	—	—	—	—	—	—
11	11	L. B. Andrews Commission Company	—	5 mos.	5/12	—	5/12	—	1 mo.	1/12
12	13	Bowles Livestock Commission Company	3	—	3	—	3	1	—	1
13	15	Crider Bros.	1	5 mos. 6 mos.	1 11/12	2	3 11/12	1	—	1
14	18	Chas. Dixon Commission Company	1	9½ mos. 9½ mos.	2 7/12	2	4 7/12	2	—	2
15	21	Elliott Swain & Co.	1	—	1	1	2	—	—	—
16	23	Farrar, Davis & Campbell	1	—	1	3	4	1	—	1
17	25	Gladish Livestock Commission Company	—	—	—	1	1	—	—	—
18	26	Haggart-Wilson Livestock Commission Co.	1	—	1	2 8/12	3 8/12	1	—	1
19	28	Interstate Commission Company	—	3 mos. 3 mos. 3 mos.	9/12	3/12	1	—	3 mos.	3/12
20	30	Kansas City Livestock Commission Company	2	—	2	1	3	—	—	—
23	32	F. O. Sanders Livestock Commission Co.	2	—	—	1	3	—	—	—
25	34	Stuart Gillespie & Co.	2	—	2	1 9/12	3 9/12	1	—	1
26	37	Wester Bros. & Smith Commission Co.	1	—	1	1	2	—	11 mos.	11/12
29	39	Stagner, Peironett & Willis	1	—	1	1	2	1	—	1
30	41	Tamblyn Commission Company	1	—	1	2	3	—	—	—
33	43	H. F. Carnes Livestock Commission Company	—	—	—	1	1	—	—	—
34	44	Warren Cummings Livestock Commission Co.	2	4 mos.	2 4/12	1	3 4/12	1	—	1
35	46	Drumm-Standish Commission Co.	1	—	1	5	6	1	—	1
37	49	Link Fasken Livestock Commission Company	—	—	—	6/12	6/12	—	—	—
42	50	Long Perry Livestock Commission Company	1	—	1	2	3	—	—	—
43	53	Knight & Tice	—	—	—	—	—	—	—	—
44	54	W. M. Leitch Sheep Commission Co.	—	—	—	—	—	—	—	—
46	56	National Livestock Commission Company	2	—	2	4	6	1	11 mos.	1 11/12
48	60	Poole-Dempsey-Rutherford	—	—	—	3	3	1	—	1

APPENDIX C

S OF GOVERNMENT'S EXHIBIT 115-B
(Vol. IV of Record)

N's (Owners and Employees) Salaries for the Test Year 1931.

ited as 3/12ths of a salesman; if for 7 months, 7/12ths, etc. In practically all instances these extra salesmen worked during the period of peak receipts.

HOG SALESMEN				SHEEP SALESMEN					CATTLE BUYERS				
No. of extra Employed Salesmen	Total Employed Salesmen	No. of Owner Salesmen	Total Owner and Employed Salesmen	No. of full-time Employed Salesmen	No. of extra Employed Salesmen	Total Employed Salesmen	No. of Owner Salesmen	Total Owner and Employed Salesmen	No. of full-time Employed Buyers	No. of extra Employed Buyers	Total Employed Buyers	No. of Owner Buyers	Total Owner and Employed Buyers
—	—	—	—	—	—	—	1	1	—	—	—	—	—
8 mos.	8/12	—	8/12	—	—	—	—	—	—	4 mos.	4/12	—	4/12
—	—	—	—	2	—	2	1	3	—	—	—	—	—
—	—	1	1	—	—	—	—	—	—	—	—	—	—
—	1	1	2	—	—	—	—	—	—	—	—	—	—
—	—	1	1	—	—	—	—	—	—	—	—	—	—
1 mo.	1/12	—	1/12	—	—	—	—	—	—	—	—	—	—
—	1	—	1	—	—	—	—	—	1	—	1	—	1
—	1	—	1	—	—	—	—	—	1	1 mo.	1 1/12	—	1 1/12
—	2	—	2	—	—	—	—	—	1	2 mos.	1 2/12	—	1 2/12
—	—	1	1	—	—	—	—	—	—	—	—	—	—
—	1	—	1	—	—	—	—	—	—	—	—	—	—
—	—	1	1	—	—	—	—	—	—	—	—	—	—
—	1	1	2	—	—	—	—	—	—	—	—	—	—
3 mos.	3/12	—	3/12	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	1	—	1	—	1
—	—	—	—	—	—	—	—	—	1	—	1	—	1
—	1	—	1	—	—	—	—	—	1	—	1	—	1
11 mos.	11 1/12	1	1 11/12	—	—	—	—	—	—	3 mos.	3/12	—	3/12
—	1	—	1	—	—	—	—	—	—	—	—	1	1
—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	1	—	1	—	—	—	—	—	1	—	1	—	1
—	1	—	1	1	—	1	—	1	—	—	—	1	1
—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	1	1	—	—	—	—	—	—	10 mos. 4 mos.	1 2/12	—	1 2/12
—	—	—	—	1	—	1	1	2	—	—	—	—	—
—	—	—	—	—	—	—	2	2	—	—	—	—	—
11 mos.	11 1/12	—	1 11/12	—	—	—	—	—	3	—	3	1	4
—	1	—	1	—	—	—	—	—	1	—	1	—	1